

**The New Castle City's Planning Commission Meeting took place on  
September 30, 2008 at 6:30 p.m. in the City of New Castle's Town Hall.**

Members Present: Dr. Jack Norsworthy, Chair  
David Bird  
Joe DiAngelo  
Dorsey Fiske  
Bill Simpson  
Christine Masiello

Member Absent: George Freebery

Staff Present: Marian Hull, URS, City Planner

City Personnel: Mayor John F. Klingmeyer  
Cathie Thomas, City Administrator  
Jeff Bergstrom, Building Inspector

City Council: Jan Churchill, Councilperson

Dr. Norsworthy called the meeting to order at 6:40 p.m. Roll call was taken.  
(*Bernard Pinkett has resigned from the Planning Commission.*)

**Approval of Minutes – A motion was made, seconded and approved  
unanimously to approve the minutes of the 8/25/08 meeting.**

Consideration of Site Improvement Construction Plans for Deemers Landing II, 0 West 9<sup>th</sup> Street, Parcel No. 21-014.00-500 – Mr. Parley Hess of McBride and Ziegler presented to Commission members. This complex will be comprised of 76 units, will be a six-story building and approximately 120,000 square feet. They did receive comments from URS dated 9/24/08 and they have made some revisions to the plan (9/25/08) which Commission members now have and they have provided a response letter to those comments. (*McBride and Ziegler emailed copies to the City, hand-delivered copies to the City and hand-delivered to the City Administrator. They also emailed and sent a hard copy to URS.*) They have also received approval from The Conservation District for sediment erosion control plans and are in the process of receiving approval from FEMA with regards to the filling of the small portion of the flood plain in that area. Lastly, they have received their Notice of Intent notice that they are on file with DNREC.

Ms. Hull reported that the response from McBride and Ziegler was received too late to prepare a formal review. In speaking with Mr. Bergstrom tonight he indicated that all of the comments have been addressed with the exception of parking space sizes. The parking spaces are shown as 9' X 18' in dimension and the City Code requires a minimum of 180 square feet per space, which is smaller than what the Code requires. Mr. Hess noted that current parking spots of 9' X 18' are a standard size; however, current Code requirements of 180 square feet per space (10' X 18' or 9' X 20') would be acceptable. Sections of the Code do provide for spaces less than 180 square feet in other sections of the City, but in this zoning district it calls for 9' X 18'.

Dr. Norsworthy inquired how meeting the Code would impact his plan. He informed that it would significantly impact the number of parking spaces. They have already reduced the number of units from 78 to 76 to meet the two parking spaces per unit requirement. There are a number of parking spaces not being utilized at the adjoining apartment complex (Deemers I) and they could use parking spaces at that site as off-site parking which is allowed by Code. There is also on-street parking available. If necessary we could reconfigure the lot, reduce the number of parking spaces on our side, and set aside parking spaces on the adjoining property. *(Discussion about parking spaces and parking followed.)* If the applicant is required to provide the 180 square feet per parking space, Mr. Hess said they would need to apply for a variance for the size of the parking spaces or number of spaces or they would need a shared-used agreement with the complex across the street if we used their excess parking spaces. No decision has been determined based on this Commission's ruling. *(Discussion took place about materials to be used in constructing Deemer's II. Mr. Simpson strongly urged against using wooden trusses for a six-story building.)* Mr. DiAngelo suggested changing the City's Code to conform to the County's Code which is 9' X 18'. Ms. Hull informed that most ordinances she is involved with are utilizing 9' X 18' parking dimensions. *(Discussion about plans for Ninth Street, i.e., fencing, landscaping, sidewalks to be consistent with Deemer's I, and buffers that are being planned and will be provided prior to construction.)*

Mr. Bird expressed his concern that the updated information from McBride and Ziegler was not submitted to our Planning Consultant in time to allow for her to provide this body with guidance. Ms. Hull said the plans were submitted right after the deadline for our August meeting but that those plans were the wrong plans (last updated in July). URS obtained the correct version of the plans (updated in August) and we reviewed them after the community meeting on 9/16/08 when they were received. We made distribution in preparation for this meeting not anticipating the applicant to respond to our concerns so quickly.

Mr. Hess asked for clarification on the Planning Commission's preference of parking space size in the event he needs to apply for a variance or get a shared-use agreement in place. Commission members agreed that 9' X 18' is a reasonable size.

**Mr. Bird made a motion to table this item until October to give our Planning Consultant enough time to review it and provide her comments to Planning Commission members. Mr. Simpson seconded the motion which was passed by unanimous vote.**

Discussion to Consider a Request for Rezoning Two Parcels from Open Space and Recreation (OS&R) to R-3 Residential: 901 Delaware Street, Parcel No. 21-010.00-016 and 0 Delaware Street, Parcel No. 21-010.00-017 – Mr. William Rhodunda summarized the history of this request to date with the Planning Commission. Based on public comments and this Commission's questions/concerns they would like to know what issues the Commission wants to have addressed in order for this matter to return to City Council for consideration. Dr. Norsworthy informed there was not much feedback to develop this area as expressed from the residents at the 9/16/08 community workshop. Ms. Fiske offered that there are many items that we should require information on before

making a decision. Studies (wetlands, environmental, engineering, etc.) need to be verified by the City's counsel, engineer and planner before considering rezoning. They are concerned with storm water, run-off, wetlands and the like. Mr. Rhodunda understands and said they could take the plan and do the engineering associated with it and ensure there is no impact to the surrounding lands due to this development. Ms. Fiske said they need a good reason to consider this development because services that the City provides always costs more than the tax base provided by the development. She reiterated her concern with access to the property. Mr. Rhodunda said they can engineer a plan involving survey work and laying out plans with DelDOT to determine a solution. However, he wants to know if they go to the expense and time to do this, does that satisfy the access issue.

Dr. Norsworthy advised that City Council returned this to the Planning Commission because they want more details regarding environmental plans, impacts on neighborhoods, traffic impact and the like before making a decision. It is their feeling that this body does not have adequate information to make a decision and forward to Council for their consideration.

Mayor Klingmeyer suggested that the Planning Commission meet with its Planner and go over the entire plan and work with the developer to come up with ideas for the site for the good of the City.

Dr. Norsworthy commented that it might be worthwhile to make a plan that is more palatable to the townspeople might be good since there was an overwhelming sentiment at the community workshop to keep that area open space.

*(Lengthy discussion followed between Commission members and Mr. Rhodunda concerning what is expected from the applicant and notification of neighbors other than the school district.)*

Mr. Rhodunda stated that no jurisdiction says they must do an overall analysis for a proposal. They will work with our planner to determine design, storm water management, access, layout of units, design of project, etc. They believe they can meet all of the criteria required of them.

Ms. Hull agrees it would be a good idea to sit down with the applicant. She added that the City Engineer also needs to be present to address environmental limitations.

Mr. Jeff Williams, representing the applicant, would like to have something in writing on City letterhead that lists items this Commission wants the applicant to address. In typical municipal codes there are guidelines for rezoning. One of the methods is doing a concept plan then we do engineering and construction plans and fine tune those plans.

**Mr. Bird read into the record in the form of a motion the areas they would like the applicant to address as follows: environmental analysis that reports on impact on transportation, water, sanitary and storm water systems, wildlife, historic resources and air quality; impact on the school system, fire department, electrical, recreational and soil conditions; compliance with the City's Comprehensive Plan; survey should show architectural schematics for development and compliance with City zoning along with meeting with the consultant for the City Planning Commission**

and discussing with the consultant using the latest City design to determine what would be the best use of that property. Ms. Fiske seconded the motion. A roll call vote was taken and rationale provided.

Christine Masiello – yes; if everything is in writing we can see that we have covered every base, so if we continue to consider the rezoning we can tell residents that we looked at everything.

Bill Simpson – yes; it goes along with a detailed plan; using it for a zoning change won't have a negative impact on the decisions for zoning only a negative impact on the developer who will have to take the risk.

Mr. Bird – yes; this information is necessary for the Planning Commission to make an informed decision.

Ms. Fiske – yes; we are here to try to do what is right for the town and the owners and need as much information as possible.

Mr. DiAngelo – yes; additional information is necessary to assist us with our efforts.

Dr. Norsworthy – yes; additional information will be helpful and will also allow us to move forward.

The motion was approved unanimously.

Minor Subdivision for Property Located at 2-10 and 16-18 Buttonwood Avenue, Parcel Nos. 21-001.00-012, 013, 014, 015 and 21-002.00-020 (previously tabled at the applicant's request) – Mr. Leon DeAscanis appeared requesting approval of this project. URS sent a review letter concerning the project. Ms. Hull informed that she had provided numerous comments on this project last year, but there are a few remaining from October 2007. Most of the outstanding issues can be addressed quickly.

Mr. Simpson made a motion that this issue be tabled until our next meeting to allow Mr. DiAscanis time to go back to his engineer with the URS letter and have information put on the drawing and resubmit it. Mr. Bird seconded the motion which was adopted by unanimous vote. A roll call vote was taken and rationale provided.

Ms. Masiello – yes; we need accurate information in order to make an informed decision.

Mr. Simpson – yes

Mr. Bird – yes

Ms. Fiske – yes

Mr. DiAngelo – yes

Dr. Norsworthy -- yes

The rationale for the remaining Commission members followed

Ms. Masiello's rationale.

Budget Review – There were no updates to report.

Comprehensive Plan Update – Ms. Hull distributed a summary of the recent community workshop (9/16/08) to all Commission members. Areas that the Planning Commission decided they wanted input from the community included redevelopment areas, Route 9 alternatives, open space preservation, potential sidewalk improvements, bicycle and trail recommendations, annexation, parking, parks and recreational facilities and Gateway improvements. She provided

details on each area. (*Lengthy discussion followed.*) Ms. Hull will prepare an outline of discussions from tonight's meeting and update the action plan table and distribute to Commission members in time to discuss as a group. It will provide you with the opportunity to respond to what you all think you heard at the community workshop before she moves forward. She will have a solid draft ready to review at the November meeting and fine tune it and prepare to bring it to City Council.

General Discussion

Mayor Klingmeyer informed that he is submitting the names of all Planning Commission members for membership in the American Planning Association. (Mr. Bird has already processed his application.)

Adjournment – **It was moved and seconded that the meeting be adjourned.**  
The meeting was adjourned at 9:30 p.m.

Next Meeting -- Our next meeting is scheduled for 10/27/08.

Respectfully submitted,

Debbie Turner  
Stenographer